

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALPHA CAPITAL ANSTALT, :
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: .
: Plaintiff, .
: .
-against- : Case No. 19-cv-09270 (DLC)
: .
: .
INTELLIPHARMACEUTICS :
INTERNATIONAL INC., ISA ODIDI, :
AMINA ODIDI, and ANDREW PATIENT, :
: .
: .
: Defendants. .
: .
: .
X

**DECLARATION OF CHLOE S. BOOTH IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

I, CHLOE S. BOOTH, hereby declare:

1. I am an attorney with the law firm Wollmuth Maher & Deutsch LLP, counsel for Defendants in this action. I am familiar with the facts set forth herein on the basis of my personal knowledge and review of documents in the possession of my firm.

2. I submit this declaration in support of Defendants' Motion for Summary Judgment.

Identification of Exhibits

3. Annexed hereto as Exhibit 1 is a true and correct copy of the Complaint filed in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y).

4. Annexed hereto as Exhibit 2 is a true and correct copy of cited excerpts of the deposition of Ari Kluger in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), dated November 2, 2020.

5. Annexed hereto as Exhibit 3 is a true and correct copy of Plaintiff's Responses and Objections to Defendants' First Requests for Admission in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), dated November 18, 2020.

6. Annexed hereto as Exhibit 4 is a true and correct copy of cited excerpts of the deposition of Andrew Patient in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), dated October 21, 2020.

7. Annexed hereto as Exhibit 5 is a true and correct copy of cited excerpts of the deposition of Isa Odidi in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), dated December 22, 2020.

8. Annexed hereto as Exhibit 6 is a true and correct copy of an email dated November 4, 2018, with attachment, previously produced in this action at IPCI-0000160.

9. Annexed hereto as Exhibit 7 is a true and correct copy of the Form 6-K filed on November 5, 2018 by Intellipharmaceutics International, Inc. with the United States Securities and Exchange Commission.

10. Annexed hereto as Exhibit 8 is a true and correct copy of the Registration Statement filed on October 11, 2018 by Intellipharmaceutics International, Inc. with the United States Securities and Exchange Commission.

11. Annexed hereto as Exhibit 9 is a true and correct copy of the Notice of Effectiveness from the Securities and Exchange Commission dated October 11, 2018 related to the Registration Statement filed on October 11, 2018 by Intellipharmaceutics International, Inc.

12. Annexed hereto as Exhibit 10 is a true and correct copy of the Form 424B4 dated October 12, 2018 filed by Intellipharmaceutics International, Inc. with the Securities and Exchange Commission.

13. Annexed hereto as Exhibit 11 is a true and correct copy of Deposition Exhibit 1 from the deposition of Isa Odidi in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y.).

14. Annexed hereto as Exhibit 12 is a true and correct copy of the investor presentation dated October 5, 2018, filed by Intellipharmaceutics International, Inc. with the Securities and Exchange Commission.

15. Annexed hereto as Exhibit 13 is a true and correct copy of Deposition Exhibit 4 from the deposition of Ari Kluger in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), previously produced in this action at AIPCI00000176.

16. Annexed hereto as Exhibit 14 is a true and correct copy of an email dated October 12, 2018, previously produced in this action at AIPCI00000601.

17. Annexed hereto as Exhibit 15 is a true and correct copy of Deposition Exhibit 16 from the deposition of Ari Kluger in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), previously produced in this action at AIPCI00000238.

18. Annexed hereto as Exhibit 16 is a true and correct copy of Plaintiff's purchase and sale sheet of Intellipharmaceutics International, Inc's shares in connection with the offering at issue in this action, previously produced in this action at AIPCI00000800.

19. Annexed hereto as Exhibit 17 is a true and correct copy of an email dated October 12, 2018, previously produced in this action at AIPCI00000015.

20. Annexed hereto as Exhibit 18 is a true and correct copy of an email dated October 12, 2018, previously produced in this action at AIPCI00000019.

21. Annexed hereto as Exhibit 19 is a true and correct copy of an email dated September 17, 2018, with attachment, previously produced in this action at IPCI_0000252.

22. Annexed hereto as Exhibit 20 is a true and correct copy of Deposition Exhibit 6 from the deposition of Isa Odidi in *Alpha Capital Anstalt v. Intellipharmaceutics et al.*, No. 19-cv-09270 (DLC) (S.D.N.Y), previously produced in this action at IPCI-0000214.

23. Annexed hereto as Exhibit 21 is a true and correct copy of a press release from Intellipharmaceutics International Inc., dated February 4, 2019.

24. Annexed hereto as Exhibit 22 is a true and correct copy of the historical stock data from October 12, 2018 to November 29, 2018 of Intellipharmaceutics International Inc. publicly traded on the NASDAQ exchange. This pricing data was obtained from Yahoo! Finance and is available at:

<https://finance.yahoo.com/quote/IPCIF/history?period1=1539302400&period2=1543449600&interval=1d&filter=history&frequency=1d&includeAdjustedClose=true>

a. The highlighted figures in the exhibit are those referenced in Defendants' Memorandum of Law and Defendants' Statement of Undisputed Facts.

25. Annexed hereto as Exhibit 23 is a true and correct copy of the Form 6-K filed on November 26, 2018 by Intellipharmaceutics International, Inc. with the United States Securities and Exchange Commission.

I declare under penalty of perjury under the law of the United States of America and the State of New York that the foregoing is true and correct.

Dated: January 15, 2021
New York, New York

By: /s/ Chloe S. Booth
Chloe S. Booth